

EAST COVENTRY TOWNSHIP

BOARD OF SUPERVISORS

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 172

“MISCELLANEOUS TECHNICAL ZONING ORDINANCE AMENDMENTS”

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA, CHAPTER 27 (ZONING), TO AMEND CHAPTER 27 (ZONING), PART 2 (DEFINITIONS), SECTION 202 (DEFINITIONS); TO AMEND CHAPTER 27 (ZONING), PART 3 (ZONING DISTRICTS AND BOUNDARIES), SECTION 304 (FEDERAL, STATE, COUNTY OR MUNICIPAL OWNED PROPERTY) AND SECTION 306 (MUNICIPAL USES); TO AMEND CHAPTER 27 (ZONING), PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 905 (OTHER REQUIREMENTS AND STANDARDS), SUBSECTION 905(6) (LAND DEVELOPMENT PLAN REQUIRED); TO AMEND CHAPTER 27 (ZONING), PART 10 (C-1 COMMERCIAL AND BUSINESS CAMPUS DISTRICT), SECTION 1005 (OTHER REQUIREMENTS AND STANDARDS), SUBSECTION 1005(F) (LAND DEVELOPMENT PLAN REQUIRED); TO AMEND CHAPTER 27 (ZONING), PART 11 (LI LIMITED INDUSTRIAL DISTRICT), SECTION 1105 (OTHER REQUIREMENTS AND STANDARDS), SUBSECTION 1105(F) (LAND DEVELOPMENT PLAN REQUIRED); TO AMEND CHAPTER 27 (ZONING), PART 13 (GENERAL AND SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS), SECTION 1334 (MUNICIPAL USES); TO AMEND CHAPTER 27 (ZONING), PART 16 (ADMINISTRATION), SECTION 1601 (ZONING OFFICER), SUBSECTION 1601(B) (ADDITIONAL POWERS AND DUTIES); TO AMEND CHAPTER 27 (ZONING), PART 16 (ADMINISTRATION), SECTION 1602 (USE AND OCCUPANCY PERMITS), SECTION 1603 (FLOODPLAIN/ZONING PERMITS), AND SECTION 1604 (FEES AND EXPENSES), SUBSECTION 1604(1) (PERMIT APPLICATIONS); TO AMEND CHAPTER 27 (ZONING), APPENDIX B DIAGRAM (DEVELOPED LOT WITH ACCESSORIES) AND APPENDIX B ZONING MAP; AND TO AMEND CHAPTER 27 (ZONING), PART 13 (GENERAL AND SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS), SECTION 1330 (PHYSICAL PERFORMANCE REQUIREMENTS), SUBSECTION 1330(G) (NOISE).

The Board of Supervisors of East Coventry Township does hereby ENACT and ORDAIN:

SECTION I. - Amendment to Code

The Codified Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 905 (Other Requirements and Standards), Sub-Section 905(6) (Land Development Plan Required) is hereby amended by deleting the existing Sub-Section 905(6) in its entirety so that a land development plan not be required for two (2) or more uses or groups of uses on a lot.

SECTION II. - Amendment to Code

The Codified Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 10 (C-1 Commercial and Business Campus District), Section 1005 (Other Requirements and Standards), Sub-Section 1005(F) (Land Development Plan Required) is hereby amended by deleting the existing Sub-Section 1005(F) in its entirety so that a land development plan not be required for two (2) or more uses or groups of uses on a lot.

SECTION III. - Amendment to Code

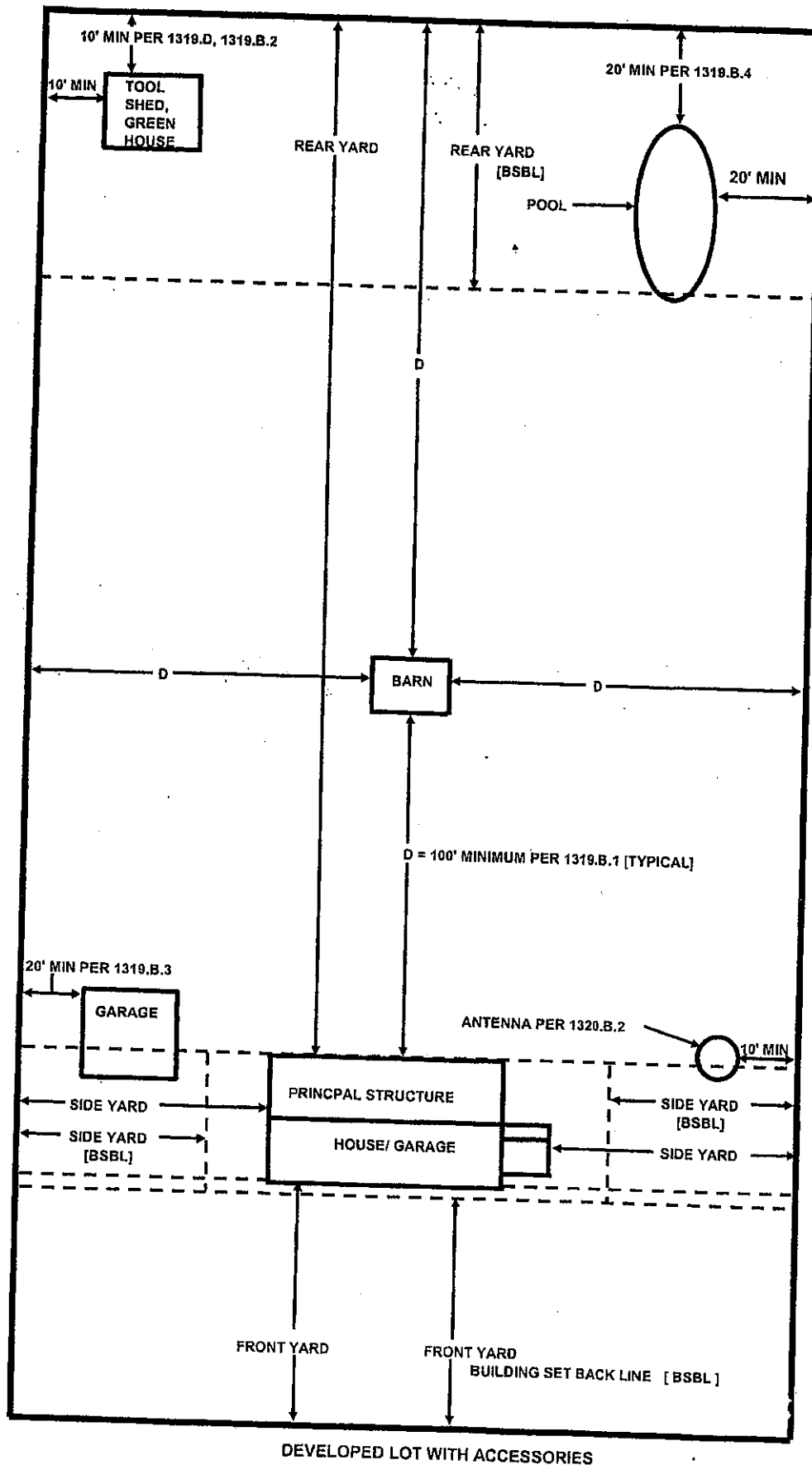
The Codified Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 11 (LI Limited Industrial District), Section 1105 (Other Requirements and Standards), Sub-Section 1105(F) (Land Development Plan Required) is hereby amended by deleting the existing Sub-Section 1105(F) in its entirety so that a land development plan not be required for two (2) or more uses or groups of uses on a lot.

SECTION IV. - Amendment to Code

The Codified Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Appendix B (Developed Lot with Accessories) is hereby amended by deleting the existing Appendix B in its entirety and replacing it with a new Appendix B as shown below in order (a) to correctly identify the Part 13 section references shown on the diagram and (b) to correctly depict the minimum property line distances for pool accessory structures, as shown on Appendix B, being twenty (20) feet from the property line rather than fifteen (15) feet, and for garage accessory structures, as shown on Appendix B, being twenty (20) feet from the property line rather than ten (10) feet:

Appendix B
Developed Lot with Accessories

(27, Appendix B)



SECTION V. – Amendment to Code

The Codified Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 16 (Administration), Section 1601 (Zoning Officer), Subsection 1601(B), is hereby amended to amend and restate such Subsection in its entirety (a) to add a descriptive heading to such Subsection for convenience of reference, (b) to clarify that all references to use and occupancy permits in such Subsection pertain to zoning use and occupancy permits, and (c) to make technical changes for clarification purposes, as follows:

§1601. Zoning Officer.

B. Additional Powers and Duties. In addition to other powers provided in and by this Chapter, the Municipalities Planning Code, and/or other law, the Zoning Officer shall have the following specific powers and duties:

- (1) To provide the initial interpretation of the provisions of this Chapter and the enforcement thereof.
- (2) To receive and examine all applications for zoning use and occupancy and sign permits to determine compliance with this Chapter.
- (3) To issue permits for zoning use and occupancy and signs only when in accordance with the provisions of this Chapter.
- (4) To revoke, by order, permits which were issued under a mistake of fact or contrary to the law or to provisions of this Chapter.
- (5) To record and file all applications for permits and accompanying plans and documents and keep them for public record at the Township.
- (6) To make reports as the Board of Supervisors may require.
- (7) To issue permits for zoning use and occupancy and signs by special exception and/or variance only after approval for such zoning use and occupancy and signs has been so ordered by the Zoning Hearing Board in accordance with the requirements of this Chapter, or by a court of appeals, subject to any stipulations contained in such order.

(8) To issue permits for zoning use and occupancy and signs and demolition permits by conditional use only after approval for such zoning use and occupancy and signs has been so ordered by the Board of Supervisors in accordance with the requirements of this Chapter, or by a court of appeals, subject to any stipulations contained in such order.

(9) To require that all lots shall have plastic-capped iron corner pins set by a registered surveyor and that the application for a building permit and the accompanying plot plan shall contain all of the information necessary to enable the Zoning Officer to ascertain whether the proposed use, building, construction or alteration complies with the provisions of this Chapter. No building permit shall be issued by the Building Inspector unless the Zoning Officer certifies that the proposed use, building, construction or alteration complies with the provisions of this Chapter.

(10) To inspect nonconforming uses, buildings and lots and to keep a filed record of such nonconforming uses and buildings as a public record.

(11) Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such body facts, records, and any similar information on specific requests to assist such body in reaching its decision.

(12) To be responsible for the administration of the National Flood Insurance Program in the Township as it relates to those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issued, base flood elevations, elevation of the lowest floor, including basement, of structures within the floodplain district, the elevation to which the structure is flood-proofed and other administrative functions necessary for participation in the National Flood Insurance Program.

SECTION VI. – Amendment to Code

The Codified Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 16 (Administration), Section 1602 (Use and Occupancy Permits), Section 1603 (Floodplain/Zoning Permits), and Section 1604 (Fees and Permits), Subsection 1604(1) (Permit Applications), are hereby amended to amend and restate such Sections and Subsection in their entirety (a) to clarify that all references to use and occupancy

permits in such sections and subsection pertain to zoning use and occupancy permits, (b) to eliminate Section 1603 in its entirety, and (c) to add a separate section specifically pertaining to permit expiration and modifying the expiration date of certain permits issued under Chapter 27, as follows:

§1602. Zoning Use and Occupancy Permits.

1. Permits Required.

A. No building or structure shall be constructed, erected or structurally altered, or demolished, nor shall any existing use of a building, structure or land be changed until a zoning use and occupancy permit has been issued by the Zoning Officer.

B. When a building permit is required for the construction, erection or structural alteration of any building or structure, or a demolition permit is required for the demolition of any building or structure, an application for a zoning use and occupancy permit shall be made simultaneously with the application for a building or demolition permit. Further, no building permit or demolition permit shall be issued until a zoning use and occupancy permit and/or temporary zoning use and occupancy permit has been issued by the Zoning Officer. Upon completion of the construction, erection or structural alteration, or demolition, of the building or structure in conformance with the provisions of this Chapter, it shall be the obligation of the applicant to notify, in writing, the Zoning Officer. The Zoning Officer shall examine the building or structure within ten (10) days of such written notice of completion and if such construction, erection or structural alteration, or demolition, has not been completed in accordance with the zoning use and occupancy permit or temporary zoning use and occupancy permit that was issued and the provisions of this Chapter, a notice of non-compliance shall be issued within an additional period of ten (10) days.

C. When any existing use of a building, structure or land is to be changed, an application for a zoning use and occupancy permit shall be made prior to the change of such use and the issuance of a zoning use and occupancy permit. Upon completion of the change of use of the building or structure in conformance with the provisions of this Chapter, it shall be the obligation of the applicant to notify, in writing, the Zoning Officer. The Zoning Officer shall make such examination and investigation as is necessary to determine whether the change in use is in compliance with the

zoning use and occupancy permit that was issued and the provisions of this Chapter within ten (10) days of such written notice of completion, and if such proposed use is found not to be in accordance with the provisions of the zoning use and occupancy permit that was issued and this Chapter, a notice of non-compliance shall be issued within an additional period of ten (10) days.

D. A zoning use and occupancy permit issued under this Section shall state that the use of the buildings, structures or land complies with the provisions of this Chapter.

2. Temporary Zoning Use and Occupancy Permits.

A. The Zoning Officer may issue a temporary zoning use and occupancy permit that may permit the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction, provided that such temporary zoning use and occupancy permit shall be valid for a period not exceeding ninety (90) days from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to adequately insure the safety of persons using or occupying the building, structure or land involved.

B. Application for a temporary zoning use and occupancy permit shall be made in the same manner as for a zoning use and occupancy permit and the application for or issuance of such temporary zoning use and occupancy permit shall in no way affect the obligation to apply for and obtain a zoning use and occupancy permit.

3. Application Forms.

A. All applications for zoning use and occupancy permits and temporary zoning use and occupancy permits shall be made on forms to be furnished by the Zoning Officer and shall contain accurate information regarding the size and location of the lot, the dimensions of all yards and open spaces and such other information as may be required by the Zoning Officer as necessary to ascertain compliance with this Chapter.

B. No building permit or other permit for the construction, erection, repair or alteration of a building or structure shall be issued before a zoning use and occupancy permit or temporary zoning use and occupancy permit has been issued.

§1603. Permit Expiration.

1. Every zoning use and occupancy permit or temporary zoning use and occupancy permit issued under this Section shall automatically expire and become invalid after one (1) year from the date of issuance unless work authorized thereby has commenced and is underway. If work under the permit ceases for a period of six (6) months the permit shall expire.

2. Every building permit or demolition permit issued under this Section shall be valid only for a period of six (6) months from the date of issuance unless the work authorized by such permit has commenced within the 6-month period and, once commenced, it is continually exercised or used.

§1604. Fees and Expenses.

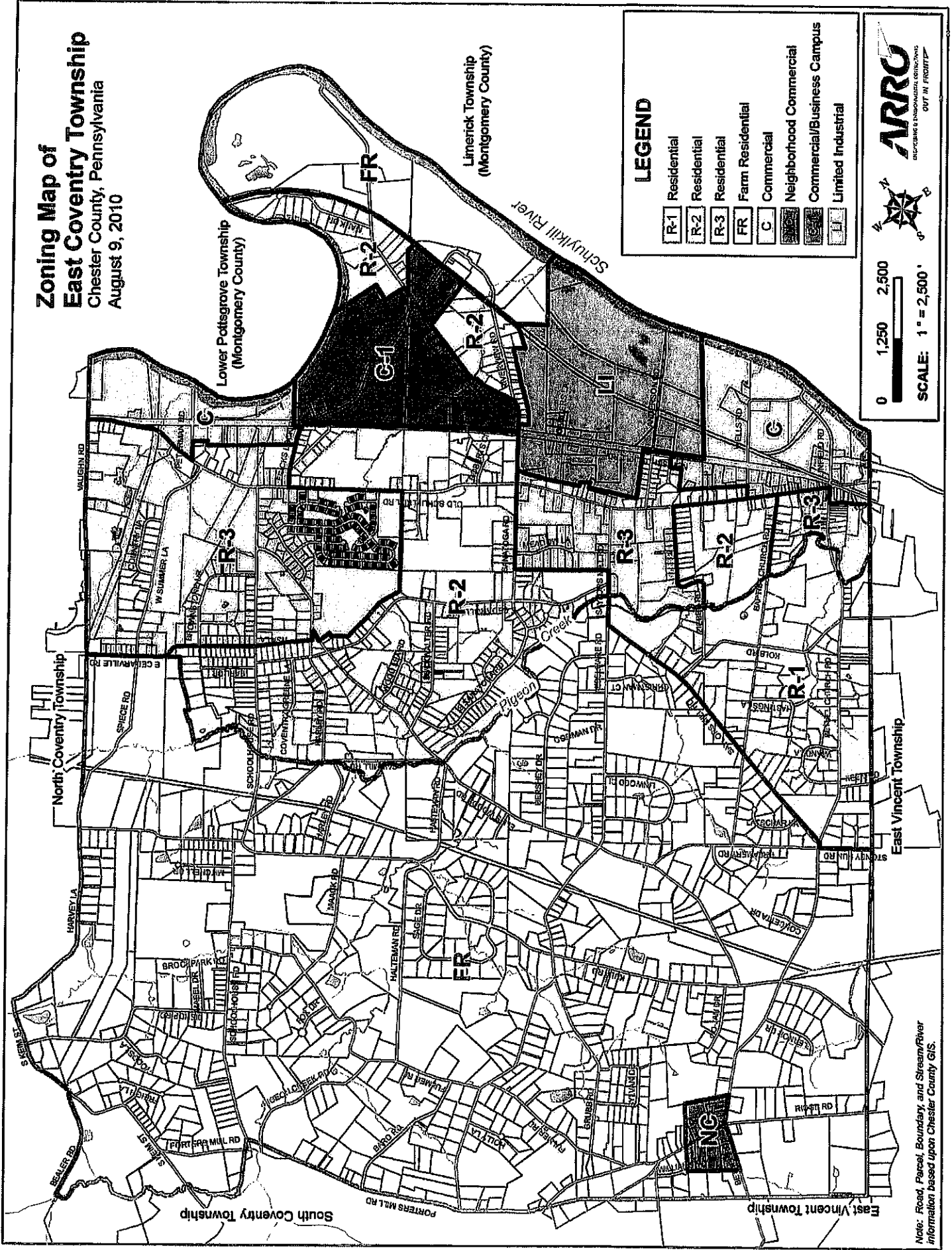
1. Permit Applications. Fees for applications for building permits, zoning use and occupancy permits, temporary zoning use and occupancy permits, sign permits, demolition permits or similar permits shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors from time to time. Such schedule may be revised, as necessary, by resolution of the Board of Supervisors.

SECTION VII. – Amendment to Code

The Codified Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Appendix B (Zoning Map) is hereby amended by deleting in its entirety the existing Zoning Map, entitled “Areas of Proposed Zoning Changes Map” prepared by The Grafton Association, dated May 5, 2008, and replacing it with a new Zoning Map, as shown below, entitled “Zoning Map of East Coventry Township, Chester County, Pennsylvania, August 9, 2010” prepared by Arro Engineering & Environmental Consultants, in order (a) to add color coding for all zoning districts and a legend to the map for easier identification, (b) to eliminate all references to outdated zoning district classifications as unnecessary verbiage, and (c) to change the title of the zoning map to conform to the

requirements of and be consistent with Chapter 27 (Zoning), Part 3 (Zoning Districts and Boundaries), Section 302 (Zoning Map), Subsection 302(A) (Base Zoning Districts):

Zoning Map of East Coventry Township Chester County, Pennsylvania August 9, 2010



Note: Road, Parcel, Boundary, and Stream/River information based upon Chester County GIS.

SECTION VIII. – Amendment to Code

The Codified Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions), is hereby amended to delete in its entirety the definition for “Municipal Use” appearing in such Section, and to add a new definition for “Township Use” in such Section, to clarify the distinction made throughout Chapter 27 between a property or use owned, operated, conducted and/or maintained by East Coventry Township and a property owned by a municipality other than East Coventry Township, as follows:

TOWNSHIP USE – any use owned, operated, conducted and/or maintained by the Township.

The Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 3 (Zoning Districts and Boundaries), Section 304 (Federal, State, County or Municipal Owned Property) is hereby amended to delete the word “Whenever” appearing at the beginning of such Section and to add the following language in its place: “Except as otherwise provided in this Chapter regarding Township owned property, whenever...”

The Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 3 (Zoning Districts and Boundaries), Section 306 (Municipal Uses) is hereby amended to delete the following heading and introductory words “Municipal Uses. Municipal uses shall . . .” appearing at the beginning of such Section and to substitute the following in its place: “Township Uses. Township uses shall . . .”

The Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 1334 (Municipal Uses) is hereby amended and restated in its entirety as follows:

§1334. Township Uses. Except as may be otherwise provided in this Chapter with respect to a particular Township use, a Township

use (A) may be located by right in any zoning district, as may be determined by the Board of Supervisors to be reasonably necessary for the convenience or welfare of the Township, and (B), except for this Section, shall not be subject to any provision of this Chapter, including but not limited to bulk, area and dimensional standards.

SECTION IX. – Amendment to Code

The Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions), is hereby amended to amend and restate in their entirety the definitions for “Yard, Front”, “Yard, Rear”, and “Yard, Side” appearing in such Section, in order to clarify the boundaries of a yard area as being (i) within the parallel planes between a property’s boundary line and the building foundation line rather than (ii) extending from the lot line to the nearest point of the principal structure, as follows:

YARD, FRONT – a yard extending the full width of the lot along the front lot line and extending in depth the full width of the lot from the front lot line to the parallel plane of the nearest point of the foundation of the principal structure on the lot.

YARD, REAR – a yard extending the full width of the lot along the rear lot line and extending in depth the full width of the lot from the rear lot line to the parallel plane of the nearest point of the foundation of the principal structure on the lot.

YARD, SIDE – a yard extending in depth on the lot along a side lot line from the front yard to the rear yard, and extending in width on the lot from such side lot line to the parallel plane of the nearest point of the foundation of the principal structure on the lot.

SECTION X. – Amendment to Code

The Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 1330 (Physical Performance Requirements), Subsection 1330(G) (Noise) is hereby

amended to amend and restate such subsection in its entirety in order to establish a maximum decibel level of noise emission instead of decibel levels in various octave bands, as follows:

G. NOISE. The sound level of any operation shall not exceed the decibel level of 67 dBA measured according to specifications published by the American Standards Association. Sound pressure levels shall be measured one hundred (100) feet from the property line of the property upon which the noise emission occurs. The one hundred (100) feet shall be measured onto property adjacent to the property upon which the noise emission occurs.

If the noise is not smooth and continuous or is radiating during sleeping hours, one (1) or more of the corrections below shall be added to or subtracted from the decibel level of 67 dBA.

<u>Type of Operation or Character of Noise</u>	<u>Corrections in Decibels</u>
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than five percent (5%) of any one (1) hour period	+5
Noise is of period character (hum, scream, etc.) or is of impulsive character (hammering, etc). In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the maximum decibel level allowed.	-5

The noise standards contained in this section shall not apply to the following:

(1) The emission of sound for the purpose of alerting people to the existence of an emergency or associated practice drill.

(2) Emergency work to provide electricity, water or other public or private utility when the health, safety and welfare of the public is at risk.

(3) Domestic power tools, machines and/or equipment between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday through Friday and between the hours of 9:00 a.m. and 7:00 p.m. (prevailing time) on Saturday and Sunday.

(4) Excavation and a commercial construction operations and/or activities carried on between the hours of 7:00 a.m. and 7:00 p.m. (prevailing time) on Monday

through Friday and between the hours of 9:00 a.m. and 7:00 p.m. (prevailing time) on Saturday and Sunday.

(5) Public celebrations authorized by the Township.

(6) Agricultural and horticultural related uses

SECTION XI. Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION XII. - Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION XIII. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the Second Class Township Code.

SECTION XIV. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township,
Chester County, Pennsylvania, this 8th day of November, 2010.

EAST COVENTRY TOWNSHIP

By: _____
Timothy J. Roland, Chairman

By: _____
Ray A. Kolb, Vice Chairman

By: _____
W. Atlee Rinehart, Supervisor

By: _____
Marica Geho, Supervisor

Attest: _____
Bernard A. Rodgers, Secretary

By: _____
Michael Albert Moyer, Supervisor

NOTICE

NOTICE is hereby given that the Board of Supervisors of the Township of East Coventry, at its public meeting on November 8, 2010 in the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Miscellaneous Zoning Ordinance Amendments" amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, Chapter 27 (Zoning), to amend Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions); to amend Chapter 27 (Zoning), Part 3 (Zoning Districts and Boundaries), Section 304 (Federal, State, County or Municipal Owned Property) and Section 306 (Municipal Uses); to amend Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 905 (Other Requirements and Standards), Subsection 905(6) (Land Development Plan Required); to amend Chapter 27 (Zoning), Part 10 (C-1 Commercial and Business Campus District), Section 1005 (Other Requirements and Standards), Subsection 1005(F) (Land Development Plan Required); to amend Chapter 27 (Zoning), Part 11 (LI Limited Industrial District), Section 1105 (Other Requirements and Standards), Subsection 1105(F) (Land Development Plan Required); to amend Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 1334 (Municipal Uses); to amend Chapter 27 (Zoning), Part 16 (Administration), Section 1601 (Zoning Officer), Subsection 1601(B) (Additional Powers and Duties); to amend Chapter 27 (Zoning), Part 16 (Administration), Section 1602 (Use and Occupancy Permits), Section 1603 (Floodplain/Zoning Permits), and Section 1604 (Fees and Expenses), Subsection 1604(1) (Permit Applications); to amend Chapter 27 (Zoning), Appendix B Diagram (Developed Lot with Accessories) and Appendix B Zoning Map; and to Amend Chapter 27 (Zoning), Part 13 (General and

Supplemental Regulations and Design Standards), Section 1330 (Physical Performance Requirements), Subsection 1330(G) (Noise).

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of The Pottstown Mercury, 24 North Hanover Street, Pottstown, Pennsylvania 19464, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**